

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2648 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE H.L.GOKHALE

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MAYUR INDUSTRIAL ESTATE

Versus

COMPETENT AUTHORITY & DEPUTY COLLECTOR

Appearance:

MR BS PATEL for Petitioner
MR MA BUKHARI ASST. GOVERNMENT PLEADER
for Respondent No. 1, 2

CORAM : MR.JUSTICE H.L.GOKHALE

Date of decision: 18/09/97

ORAL JUDGEMENT

Heard Mr. Patel for the petitioner and Mr. Bukhari, AGP for the respondents nos. 1 and 2. The petitioner owned certain lands situated within the territory of Urban Agglomeration of Baroda. It is his case that prior to Act coming into force, the petitioner had set up an industrial estate. He had produced some documents before the competent authority but the competent authority was not fully satisfied and this had led to passing of the order holding that the petitioner was in excess possession of the land to tune of 3457

sq.mts. On that order being confirmed, this petition is filed.

2. Mr. Patel, the learned advocate appearing for the petitioner drew my attention to some of the documents which were presented before the competent authority, as also the xerox copies of some additonal papers issued by the Factory Inspector and the Licensing Department. They go to indicate that some industrial activities perhaps were going on prior to the Act coming into force. From the photographs however, it is clear that it is not the whole site which is occupied by the Factory owner but it is only on some part of it. In this view of the matter, it will be proper that the petitioner is permitted to produce whatever documentary evidence, he wants to produce before the competent authority with respect to this submission that the factory was existing prior to the Act coming into force. The competent authority will also send a proper officer for site inspection and will be at liberty to pass appropriate order after coming to the conclusion as to how much area is actually occupied by the factory owner.

3. For these reasons, the impugned orders are interfered with and the original proceedings are revived. The petitioner will file whatever documents and statements that he wants to file within two weeks from today. Mr. Bukhari, on instruction from Mr. Harshvardhan Modi from the office of the Competent Authority and U.L.C. Baroda, states that that the competent authority will proceed to decide the revived proceedings preferably within eight weeks from the date of receipt of the writ. The petition is, therefore, disposed of accordingly. Rule is made absolute, with no order as to costs. Writ to go down forthwith.

(ccs)